

### **REMARKS/ARGUMENTS**

Claims 1-5 and 11-17 have been cancelled. Claim 6 has been amended and new claim 18 has been added. Thus, claims 6-10 and 18 remain in the application.

#### **Claim Rejections**

The Examiner has rejected claims 6-10 under 35 U.S.C 103 as being obvious over U.S. Patent No. 4,861,006 ("Takano") in view of U.S. Patent No. 6,412,761 ("Baudendistel"). Applicant respectfully traverses the Examiner's rejections as detailed below.

Claim 6 has been rewritten in independent form and now expressly includes the limitations of cancelled claims 1, 4 and 5 from which claim 6 originally depended. Applicants respectfully submit that the amendments to claim 5 do not alter the scope of the claim in any way.

Claim 6, as amended, recites a hydraulic mount assembly having a first fluid, *which is a magneto-rheological fluid*, located in first and second fluid chambers and a *different* second fluid, *which is glycol*, located in a third fluid chamber of a decoupler sub-assembly. As detailed in the written description, the performance of hydraulic mounts can be improved through the use of magneto-rheological fluids ("MR fluids"). However, because MR fluids are approximately 2.4 times more dense than the hydraulic fluid used in standard hydraulic mounts, to achieve the same "choke off" frequency as a standard hydraulic mount, an MR mount would need a decoupler that is roughly 2.4 times larger in area. To overcome this disadvantage, Applicants' new hydraulic mount utilizes a lower density fluid, such as glycol, as the working fluid in the decoupler sub-assembly.

The embodiment shown in Fig. 4(B) of Takano serves as the basis for the Examiner's obviousness rejections. The Examiner admits that Takano does not teach the use of an MR fluid in the first and second chambers 32B and 32A and is silent as to the type of fluid used in the third chamber of the embodiment of Fig. 4(B). Nevertheless, the Examiner concludes that it would have been obvious to one of ordinary skill in the art to have modified Takano's mount to use an MR fluid in the first and second chambers. Furthermore, by comparing the embodiment shown in Fig. 14 of Takano with the embodiment shown in Fig. 4(B), the Examiner concludes

that the fluid in the third chamber of Fig. 4(B) must be a standard hydraulic fluid such as oil. Applicants respectfully disagree with the Examiner's conclusion.

Applicants admit that the embodiment shown in Fig. 14 of Takano uses a standard hydraulic fluid in the first and second chambers, 130B and 130A, and an electro-rheologic fluid in the third fluid chamber. Applicants further admit that the embodiment shown in Fig. 4(B) of Takano uses a electro-rheologic fluid in the first and second chambers 32B and 32A. Applicants do not agree, however, that anything in Takano suggests that the fluid in the third chamber of the embodiment in Fig. 4(B) is different from the fluid in the first and second chambers 32B and 32A.

There are important differences between the embodiments shown in Figs. 14 and 4(B) of Takano. In Fig. 14 the membranes 166 and 168 are sealed to the top and bottom of the partition wall 132, respectively, to create a fluid-tight third chamber. No path through the partition wall 132 to the third chamber is shown or described. Nor are there any paths through the membranes to the third chamber. Accordingly, as explicitly stated in Takano with respect to the embodiment shown in Fig. 14, "[t]he flexible membranes 166 and 168 are adapted to separate the fluid contained in the second passageways 148 from the liquid 130." *See* Col. 9, line 68 thru Col. 10, line 3.

In the embodiment shown in Fig. 4(B), by contrast, the membrane 101 is bonded to partition lid plate 38 while the membrane 102 is bonded to the partition wall 20. The partition lid plate 38 and partition wall 20 abut at a location at the outside perimeter of the third chamber. There is no teaching in Fig. 4(B) or the description of Fig. 4(B) of a seal at the abutment of the partition lid plate 38 and the partition wall 20. Therefore, pressurized fluid, either in the third chamber or passing through the orifice 40, will leak between the merely abutting lid plate 38 and partition wall 20. In this regard, Applicants note that unlike the description of Fig. 14, the description of embodiment of Fig. 4(B) does not suggest that the third chamber is fluid-tight.

Because the third chamber shown in Fig. 4(B) of Takano would not be fluid-tight, it is not correct to conclude that the third chamber is filled with a different fluid than the first and second chambers. In fact, it is more reasonable to conclude that the third chamber in Fig. 4(B) is

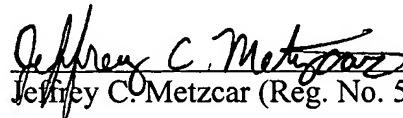
with electro-rheological fluid just like the third chamber in the embodiment shown in Fig. 14 of Takano. Accordingly, Takano and Baudendistel do not, either alone nor in combination, disclose a hydraulic mount assembly having a first fluid, *which is a magneto-rheological fluid*, located in first and second fluid chambers and a *different* second fluid, *which is glycol*, located in a third fluid chamber of a decoupler sub-assembly. Nor does the cited art teach the fluid substitutions proposed by the Examiner. For at least these reasons, the art relied upon by the Examiner does not render claim 6 obvious.

New claim 18 depends from claim 6 and therefore is also patentable for at least the reasons provided with respect to claim 6.

Independent claim 7, like claim 6, recites a hydraulic mount assembly having a first fluid, *which is a magneto-rheological fluid*, located in first and second fluid chambers and a *different* hydraulic fluid located in a third fluid chamber of a decoupler sub-assembly. Therefore, claim 7 and claims 8-10, which depend from claim 7, are also patentable for at least the reasons stated above with respect to claim 6.

In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809. Prompt and favorable examination is requested.

Respectfully submitted,

  
Jeffrey C. Metzcar (Reg. No. 52,027)